



**State of New Jersey**  
Board of Public Utilities

Two Gateway Center  
Newark, New Jersey 07102  
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APR 16 2002  
FCC - MAILROOM

Jeanne M. Fox, Esq.  
**President**

Kristi Izzo  
**Board Secretary**  
Tel: (973) 648-3426  
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April 8, 2002

Magalie Roman Salas  
FCC Secretary  
**Office of the Secretary**  
Federal Communications Commission  
445 Twelfth Street, S.W., TW-A325  
Washington, D.C. 20554

Dear Secretary Salas:

Pursuant to the procedures established in the FCC's First Order On Reconsideration in CC Docket No. ~~94-129~~ released May 3, 2000, the New Jersey Board of Public Utilities (BPU) is electing to take primary responsibility for resolving New Jersey consumers' slamming complaints. We will begin planning immediately for the effective implementation of this program. By taking the time to plan for *this* responsibility, the BPU will best determine the resources needed to adequately address **consumers'** concerns. **The** BPU will have its systems and process in place and take primary responsibility effective **January 1, 2003**. The information required to be included in the state notification by 47 C.F.R. §1110(a) of the May Order is provided below:

**Location of Filing:**

Mailing Address:

State of New Jersey  
Board of Public Utilities  
Division of Customer Relations  
Two Gateway Center  
Newark N.J. 07102

Toll-free consumer complain! phone number  
Consumer Complaint Phone Number  
Fax Phone Number  
Internet Online Complain! Form

800-624-0241  
973-648-2350  
973-648-2836  
<http://www.bpu.state.nj.us>

**Filing fees:** No fee for informal complaint, \$25.00 for filing a formal complaint

Confirmed  
APR 16 2002  
Distribution Center

**Documentation Consumer Must Provide:** Board staff will ask customers to provide their **name**, address and the telephone number of the alleged unauthorized switch, which service was switched, the name of the unauthorized carrier, the name of the authorized carrier, date of the unauthorized switch, copies of the disputed telephone bill, details of any discussions between the unauthorized carrier and the customer and details of any discussions between the customer and **the preferred carrier**.

Each alleged unauthorized switch is verified by Board staff with the Local Exchange Carrier (LEC). The alleged unauthorized carrier is required to respond to the Board staff within **15** business days. The alleged unauthorized carrier shall **remove** all unpaid charges from the customer's bill pending a determination by the Board **staff**. Notwithstanding the outcome of the company's attempt at resolution, the company shall forward a copy of authorization received from the customer to Board staff. Board staff review the authorization submitted to **determine** if the verification complies with federal and state law and BPU regulations. New Jersey verification requirements meet or exceed the requirements of the FCC's rule. Any evidence supplied by the customer is also taken into account.

If Board staff determines that verification complies with federal and state law, the customer is notified that no slam occurred and the carrier is entitled to receive full payment **from** the customer for **all** services provided. If Board staff determines that verification **was** inadequate, the **carrier** and customer are informed that a slam occurred. If the carrier fails to provide proof of the authorization or does not respond to the complaint at all, Board staff similarly **determines** that **a** slam occurred and notifies the carrier and customer of that finding. In accordance with 47 U.S.C. § 258(b), both the federal and state remedies apply. In addition, the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-91 prohibits slamming and establishes additional penalties for violations that are jointly imposed by the Board and the Division of Consumer Affairs. **A** Board order will be issued **citing** the provisions of federal and state law violated, **ordering** abatement **of the** violation, and informing the carrier of its right to a bearing on the matters contained in the order. A carrier or customer who is not satisfied with the staff's resolution of a slamming complaint may pursue the matter further by filing a formal complaint with the New Jersey **Office** of Administrative Law or with the FCC.

#### **FCC State Coordination**

**Reporting:** Board staff will enter each slamming complaint into its **complaint** database. In accordance with the FCC's First Order on Reconsideration in CC Docket No. 94-129 Papa.34, the BPU agrees to regularly file information with the FCC that details slamming activity **in** New Jersey in order to facilitate joint enforcement activities.

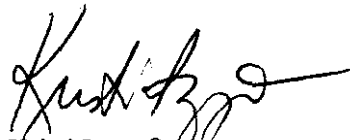
**Coordination:** The BPU's primary contact for the coordination of reporting and **complaint** referrals is:

Kent R. Papsun, Director, Division of Customer Relations  
Telephone: 973-648-3117  
Facsimile: 973-648-2836  
E Mail: [kent.papsun@bpu.state.nj.us](mailto:kent.papsun@bpu.state.nj.us)

Secretary Salas  
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The New Jersey Board of Public Utilities looks forward to working with the FCC to resolve slamming complaints. Mr. Papsun will be in contact with Mr. Forsythe, Chief of the Consumer Information Bureau, to develop a transition plan that will allow New Jersey to assume responsibility for slamming complaints at the beginning of 2003.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kristi Izzo', with a long horizontal flourish extending to the right.

Kristi Izzo, Secretary  
State of New Jersey-  
Board of Public Utilities

c: Jack Forsythe, Chief, FCC Consumer Information Bureau  
Margaret Egler, Associate Chief, FCC Consumer Information Bureau